



State of Connecticut
DIVISION OF CRIMINAL JUSTICE

**Testimony of the Division of Criminal Justice
Joint Committee on Judiciary
March 12, 2012**

In Support of:

H.B. No. 5366: An Act Concerning Civil Actions and Subpoenas Filed to Harass an Individual or After Numerous Actions Against the Individual Have Been Dismissed

The Division of Criminal Justice strongly supports H.B. No. 5366, An Act Concerning Civil Actions and Subpoenas Filed to Harass an Individual or After Numerous Actions Against the Individual Have Been Dismissed, and would respectfully recommend the Committee's JOINT FAVORABLE SUBSTITUTE Report to clear up the language that refers to "complaints or appeals" and add "or denied" where "dismissed" appears to make the bill even stronger.

This bill would limit the ability of someone to use – or more aptly, misuse – the court system to simply harass another person by filing repeated lawsuits or subpoenas. The ability to access the court system for the airing and resolution of legitimate grievances is one of the most cherished rights that we as Americans enjoy. That is why it is so offensive when someone invokes that right in order to harass or intimidate another.

H.B. No. 5366 would not prohibit anyone from bringing a valid claim before the court. It would, however, require individuals who have had previous cases rejected to obtain the approval of the court before a subpoena could be issued. The Division of Criminal Justice can provide the Committee with specific instances where individuals convicted of serious crimes have brought repeat civil actions (usually through the habeas process) to intimidate the victims of their crimes. Innocent victims have been subpoenaed to appear years later and forced to relive the crime as part of civil court actions brought by their assailant. In some cases this has occurred repeatedly.

Once is enough. The Division would respectfully recommend that the Committee amend H.B. No. 5366 to revise the language in line 77 to reduce from three to one the number of petitions that would have to be dismissed or denied before the provisions of the bill would apply. We would ask the Committee to approve this bill with the stronger provisions to afford greater protections to innocent victims of crime and to stop the abuse of the judicial process.